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10/731,695

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Michael B. McAvoy

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EXAMINER

MANCHO, RONNIE M

ART UNIT

PAPER NUMBER

3663

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/731,695

Applicant(s)

MCAVOY, MICHAEL B.

Examiner

Ronnie Mancho

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 11, 12 and 71-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11, 12, 71-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>7/19/06; 11/6/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election *without traverse* of species B1 drawn to claims 1-7, 11, 12, 71-77 is acknowledged.
2. Claims 8 and 13 have been withdrawn by applicant from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected elected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/16/05.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 71-77 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
5. In claim 71 the limitation, "sending a poll from the controller to the plurality of electrical device" is not enabled in the disclosure. The applicant does not provide the meaning of a "poll" or the reason for sending a "poll" as disclosed in the invention

In claim 72 the limitation, “sorting of the first and second power requests” as disclosed in the invention is not enabled. The applicant does not provide in what manner or how “sorting” is done in the claimed “sorting of the first and second power requests”.

The rejection applies to claims with similar deficiencies.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, it is not clear what all is meant and encompassed “qualitative component” and quantitative component”. These terms as used by the applicant in the specification, pages 3, 4, 15, 25. These limitations are not clear as they are attempting to define a parameter in relation to a “request level”. Applicant does not provide a meaning of a “request level” in the disclosure. Thus “request level” is indefinite.

In claim 4, it is not clear what all is meant and encompassed by “a first need component” and “a second need component”. It is not clear what all is meant and encompassed by the term “need”. Applicant does not provide the meaning of “need” in relation to the claimed “first need component” and “second need component”. The metes and bounds of the limitation is not clear.

The rejection applies to claims with similar deficiencies.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-7, 11, 12, 71-77 are rejected under 35 U.S.C. 102(b) as being anticipated by Weiler et al (5936318).

Regarding claim 1, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose a method for distributing electrical power to a plurality of electrical devices in a vehicle, the method comprising:

receiving at least a first operating command for at least one of the plurality of electrical devices (i.e. operator inputs an operating command for power consuming devices, a processor 27 receives the command for processing; col. 1, lines 50-55; col. 2, lines 1-43; col. 3, lines 45-51);

in response to receiving the operating command, polling the plurality of electrical devices for power requests (i.e. a controller 27 checks devices or monitors the load or power request from the devices; col. 5, lines 65 to col. 6, lines 1-21; col. 5, 33-49);

receiving at least one power request from the plurality of electrical devices in response to the poll (i.e. since the processor continually measures the prevailing load from the devices, the processor is polling the devices before and after a given poll; col. 5, lines 65 to col. 6, lines 1-21); and

distributing power to the electrical devices based on the at least one power request received from the plurality of electrical devices (col. 5, lines 65 to col. 6, lines 1-21).

Regarding claim 2, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 1 wherein receiving the at least one power request includes receiving a power request having a quantitative component and a qualitative component, wherein the qualitative component is different than the quantitative component (i.e. the priority and consumption loads are different; col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 3, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 1 wherein receiving the at least one power request includes receiving a power request having a quantitative load component and a qualitative need component, wherein the qualitative need component is different than the qualitative load component (i.e. the priority and consumption loads are different; col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 4, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 1 wherein receiving the at least one power request includes receiving a first power request from a first appliance and a second power request from a second appliance, wherein the first power request includes a first need component and the second power request includes a second need component, and wherein distributing power to the electrical devices includes distributing power to the first and second appliances based on a comparison of the first need component to the second need component (i.e. priority and consumption load; col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 5, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 1 wherein the plurality of electrical devices includes at least first and second aircraft galley appliances (col. 2, lines 63-67), wherein receiving the at least one power request includes receiving a first power request from the first galley appliance and a second power request from

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the second galley appliance (col. 4, lines 19-38; col. 6, lines 38-51), wherein the method further comprises sorting the first and second power requests in descending order of need, and wherein distributing power to the plurality of electrical devices includes distributing power to the first and second galley appliances based on the sorting of the first and second power requests (col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 6, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 1, further comprising receiving a preset allocation of electric power for distribution to the plurality of electrical devices, and wherein distributing power to the electrical devices includes distributing a total amount of power that does not exceed the preset allocation (col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 7, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 1 wherein receiving at least a first operating command for at least one of the plurality of electrical devices includes receiving an operating command from a user via a display screen operably coupled to the at least one electrical device (col. 1, lines 46-55; col. 2, lines 33-44; col. 3, lines 38-51).

Regarding claim 11, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 1 wherein receiving at least a first operating command includes receiving first and second operating commands, the first operating command corresponding to a first galley appliance on an aircraft and the second operating command corresponding to a second galley appliance on the aircraft (col. 2, lines 63-67; col. 3, lines 24-36).

Regarding claim 12, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 1 wherein receiving at least a first operating command includes receiving an operating command from a user (col. 1, lines 45-55; col. 2, lines 28-43; col. 3, lines 38-51).

Regarding claim 71, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose a method for distributing electric power to a plurality of electrical devices in a vehicle, wherein the plurality of electrical devices includes at least first and second electrical devices operably connected to a controller, the method comprising:

receiving, at the controller, at least one operating command for at least one of the plurality of electrical devices (i.e. operator inputs an operating command for power consuming devices, a processor 27 receives the command for processing; col. 1, lines 50-55; col. 2, lines 1-43; col. 3, lines 45-51);

in response to receiving the operating command, sending a poll from the controller to the plurality of electrical devices for power requests (i.e. a controller 27 checks devices or monitors the load or power request from the devices; col. 5, lines 65 to col. 6, lines 1-21; col. 5, 33-49);

receiving, at the controller, a first power request from the first electrical device when the first electrical device responds to the poll (i.e. since the processor continually measures the prevailing load from the devices, the processor is polling the devices before and after a given poll; col. 5, lines 65 to col. 6, lines 1-21);

receiving, at the controller, a second power request from the second electrical device when the second electrical device responds to the poll (i.e. since the processor continually measures the prevailing load from the devices, the processor is polling the devices before and after a given poll; col. 5, lines 65 to col. 6, lines 1-21); and

distributing power to the first and second electrical devices based on the first and second power requests (col. 5, lines 65 to col. 6, lines 1-21).

Regarding claim 72, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 71, further comprising sorting the first and second power requests (col. 4, lines 19-38; col. 6, lines 38-51), wherein distributing power to the first and second electrical devices includes distributing power to the first and second electrical devices based on the sorting of the first and second power requests (i.e. priority and consumption load; col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 73, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 71 wherein receiving, at the controller, a first power request from the first electrical device includes receiving a first power request associated with a first request level, wherein receiving at the controller a second power request from the second electrical device includes receiving a second power request associated with a second request level, wherein the method further comprises sorting the first and second power requests based on request level, and wherein distributing power to the first and second electrical devices includes distributing power to the first and second electrical devices based on the sorting of the first and second power requests (i.e. priority and consumption load; col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 74, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 71 wherein receiving, at the controller, a first power request from the first electrical device includes receiving a first power request associated with a first level of need, wherein receiving, at the controller, a second power request from the second electrical device includes receiving a second power request associated with a second level of need, wherein the method further

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comprises sorting the first and second power requests based on level of need, and wherein distributing power to the first and second electrical devices includes distributing power to the first and second electrical devices based on the sorting of the first and second power requests (col. 4, lines 19-38; col. 6, lines 38-51)..

Regarding claim 75, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 71 wherein receiving, at the controller, a first power request from the first electrical device includes receiving a power request having a quantitative component and a qualitative component, and wherein the qualitative component is different than the quantitative component. (col. 4, lines 19-38; col. 6, lines 38-51; (i.e. the priority and consumption loads are different; col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 76, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 71 wherein receiving, at the controller, a first power request from the first electrical device includes receiving a power request having a quantitative load component and a qualitative need component, and wherein the qualitative need component is different than the quantitative load component (i.e. the priority and consumption loads are different; col. 4, lines 19-38; col. 6, lines 38-51).

Regarding claim 77, Weiler et al (abstract, figs. 1-3; col. 2-6) disclose the method of claim 71 wherein receiving, at the controller, at least one operating command for at least one of the plurality of electrical devices includes receiving a user operating command from the at least one electrical device (col. 4, lines 19-38; col. 6, lines 38-51).

Response to Arguments

10. Applicant's arguments filed 7/19/06 have been fully considered but they are all not persuasive.

The applicant argues that the prior art does not disclose. "polling a plurality of electrical devices for power requests and receiving at least one power request from the plurality of electrical devices in response to the poll". The examiner respectfully disagrees. In the prior art, the processor continually measures the prevailing load from the electrical devices, the processor is polling the devices before and after a given poll; col. 5, lines 65 to col. 6, lines 1-21. As clearly seen in the fig 2 of the prior art. A power control unit 27 communicates with a power allocation unit 11. The power allocation unit 11 distributes power to electrical devices 14 that consume power. A load sensor monitors the electrical power demands or requests from switches connected to the devices 14-18. When each one of the devices 14-18 are turned on the device is requesting power. The unit 40 through the load sensor unit 43 monitor the power requests from each one of units 14-18. Units 27, 40, 43 together work cooperatively and know which one of the devices 44 is requesting power. Therefore, devices 27, 40, 43 are polling all the devices 44 for power request from each one of the devices 14-18. Based on the poll, the controller in the prior decides which one of the electrical devices 44 will receive power through power allocation unit 44 according to priority and consumption loads encountered.

The operating command applicant is arguing refers to turning on of a switch in any one of the devices 14-18 in the prior art.

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The applicant argues that there is not *direct* communication between units 27 and units 14-18. It is noted that this line of argument is unnecessary since what is argued is not claimed. It is noted that units 27 and units 14-18 do communicate with each other.

The applicant further argues that the prior art does not disclose a qualitative and quantitative component. These terms as used by the applicant in the specification, pages 3, 4, 15, 25. These limitations are not clear as they are defined by referring to a "request level".

It is further not clear what applicant is referring by arguing about "first and second need components". These limitations make the claims indefinite.

It is believed that the rejection is proper and stand.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Communication

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 571-272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronnie Mancho
Examiner
Art Unit 3663

January 21, 2007


JACK KEITH
SUPERVISORY PATENT EXAMINER